

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AUTOMODULAR ASSEMBLIES (DE), INC. 1/

Employer

and

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA, UAW, INTERNATIONAL
UNION

Petitioner

Case 5-RC-14897

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 2/
3. The Petitioner involved claims to represent certain employees of the Employer. 3/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 4/

All regular part-time and full-time production and maintenance employees employed by the Employer at its 700 Center Point Boulevard and 802 Center Point Boulevard, New Castle, Delaware facilities, excluding all office clerical employees, temporary agency employees, professional and technical employees, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

An Election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, striking employees who have been discharged for cause since the

strike began and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by

**UNITED AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA, UAW, INTERNATIONAL UNION**

LIST OF VOTERS

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. The request must be received by the Board in Washington by October 28, 1999.

Dated October 14, 1999

at Baltimore, Maryland

/s/ Steven L. Shuster
Acting Regional Director, Region 5



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October 14, 1999

1/ The name of the Employer appears as amended at the hearing.

2/ Automodular Assemblies (DE), Inc. (the Employer) is a Delaware corporation engaged in the business of assembling, sequencing and reworking of automobile components at its 700 Center Point Boulevard and 802 Center Point Boulevard, New Castle, Delaware facilities. During the past nine months, a representative period, the Employer purchased and received products, goods, and materials valued in excess of \$50,000 directly from points located outside the State of Delaware.

3/ The parties stipulated that the United Automobile Aerospace and Agricultural Implement Workers of America, UAW, International Union, (the Union) is a labor organization within the meaning of Section 2(5) of the Act.

4/ The parties stipulated that the following group of employees is an appropriate unit for purposes of collective bargaining:

All regular part-time and full-time production and maintenance employees employed by the Employer at its 700 Center Point Boulevard and 802 Center Point Boulevard, New Castle, Delaware facilities, excluding all office clerical employees, professional and technical employees, guards and supervisors as defined by the Act.

There are approximately 146 employees in the unit and there is no history of collective bargaining. The parties waived the filing of briefs.

The parties disagree as to whether or not temporary agency employees should be listed as an exclusion in the unit description, even though they agree that temporary agency employees are not eligible voters. Neither party contends that the temporary agency employees are employees of the Employer. Accordingly, the temporary agency employees are excluded from the stipulated unit and for identifiable purposes listed in the exclusions of the unit description.

I hereby find the following unit to be an appropriate unit:

All regular part-time and full-time production and maintenance employees employed by the Employer at its 700 Center Point Boulevard and 802 Center Point Boulevard, New Castle, Delaware facilities, excluding all office clerical employees, temporary agency employees, professional and technical employees, guards and supervisors as defined by the Act.